

Lee Crawford Quarry Co.

Mailing: PO Box 1027 Cedar Rapids, IA 52406

Facility: 5707 F Avenue NW Cedar Rapids, Iowa 52405

Phone: 319-396-5705 FAX: 319-396-5708

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Iowa Department of Natural Resources (IDNR)

Chad Stobbe **Chad.Stobbe@dnr.iowa.gov**

Matt McDonald **matt.mcdonald@dnr.iowa.gov**

RE: IAC 567 Chapter 108

Feedback, Comments & Questions regarding Chapter 108 changes

Lee Crawford Quarry Co (LCQ) has received your July 17, 2008 correspondence regarding proposed changes to IAC 567 Chapter 108. Frankly, we are amazed at these proposed changes and concerned on how we might adapt. Since we received our IAC 108 Permit Exemption in 1997, LCQ has been in compliance with the Beneficial Reuse Regulations, we conducted our land reclamation project according to the rules. How are these proposed changes going to affect our "regulatory approved" land reclamation project that we officially began in October 1998? How will the IDNR honor their past rules and our past compliance? I understand, the Environmental Protection Agency (EPA) mandated the development of the Waste Reduction Act of 1989 (HF753) encouraging the beneficial reuse of solid by-products to reduce 50% of landfill waste by July 1, 2000. It seems like EPA or the IDNR are now reversing that plan and placing any potential liability and any potential financial risk in our laps in spite of the fact of our past ten years operating under Chapter 108 rules.

Will our local regulators honor this new identity "sanitary landfill" imposed by the IDNR? As you know Linn County has had issues with the landfill stigma. How will the regulatory approved details of our current IAC 108 Permit Exemption, DNR ID #57-SDP-23-97X meld into the new proposed rules? Currently, we have specific regulatory approved product and procedures that we are under contract to continue.

LCQ has beneficially reused water treatment lime since 1998; this practice actually enhances the CCP/CCR land reclamation project. We are under contract and plan to continue this procedure which is approved under the current IA 108 Permit Exemption DNR ID #57-SDP-23-97X. The new proposed rule 108.4 (9) Lime, appears to avoid our beneficial practice of which your department recently RE-APPROVED in your May 13, 2008 approval letter. Chapter 108.4 (9) addresses such LIME although I don't see our beneficial practice included and your reference to Chapter 105 as it doesn't appear to fit our procedure either.

How would we proceed with this portion of our land reclamation project under the new proposed rules?

LCQ has been regulatory approved for our lower fill limit to be at 740' above sea level. How will the new proposed rules affect that limit?

It appears that Chapter 103 will be the primary rule of concern for LCQ. 103.1 says "this chapter stands alone and is not affected by references in other rules". However, under 103.1(2)a we must complete Form 50.542-1542 which is a huge concern, it requires completion of Plans and Specifications found under Chapter 113. Is this a correct assumption? Has proposed changes to Chapter 113 been completed? On August 28th your web site only had the 141 page proposed rule and notice of intent. We are concerned about many issues in 113.

Rule 113.6(2)i Adjacent to our completed land reclamation project, we already have four water supply wells down gradient and within the 1000' limit. How will the new rule affect the fact that we have been in full compliance with the existing rule? We will already have about 20 acres of land reclamation complete: How will the past, present and future merge?

Rule 103.1 references 101.2 and 103.1(2)b asks for a comprehensive plan required under Chapter 101.5. Is that all of Chapter 101 we need to be concerned with?

All this seems quite complex with proposed rule 108.4(4) & 108.4(9), Chapter 105, Chapter 103, Chapter 101, Form 50.542-1542 referencing proposed rule Chapter 113 including amendments to 102 and the Financial Assurance Form. Is this the correct assumption of where we are heading, please clarify?

Rule 103.1(1)c Who decides the 5' above the high ground water table? This determination would identify our base elevation.

Is the intent of the EPA or IDNR to make all the quarry land reclamation projects equally complicated and compliant? If so, proceeding under the proposed new rules could certainly shut down some of the quarry land reclamation projects leaving coal power plants including the three state universities with more complex and costly alternatives.

Respectfully
Lee Crawford Quarry Co.

William K. Robinson
Auxiliary Operations Manger